



COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

SIXTH FLOOR
PRUDENTIAL BUILDING
195 NORTH TERRACE
ADELAIDE

DIVORCE

SOUTH AUSTRALIA

1963

This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1963 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act, 1959, which came into operation on 1st February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia were as follows:-

- (i) The period of desertion constituting a ground for dissolution of marriage was reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage was reduced from six months to three months.

The immediate effect was to increase both the number of petitions filed and orders absolute for dissolution in 1961.

The number of petitions filed for dissolution has risen each year since 1960 and the 1,005 in 1963 is the highest yet filed in one year, the previous highest being 924 in 1953.

The higher level of numbers of orders absolute for dissolution reached in 1961 has been maintained. The 698 orders granted in 1963 is a record, being 3 more than the previous highest figure of 695 in 1943. The majority of orders absolute for dissolution of marriage (390 or 55.9 per cent) were granted in 1963 on the petition of wives.

In 1961 only 74 of the 679 decrees absolute granted for dissolution were for petitions filed under the new legislation; but in 1962 decrees absolute for dissolution granted on petitions filed under the new legislation numbered 462 in a total of 660 and 638 in a total of 698 in 1963. This fact should be taken into consideration when comparing figures for recent years in Tables 3 and 4.

Information relating to grounds on which petitions were filed (Table 2) was not tabulated prior to 1961. However, some effects of the new legislation on the relative proportions of grounds stated in petitions can be seen in Table 3; on the one hand the number of dissolutions granted on the ground of desertion increased in 1961 and in 1962 and the number of dissolutions for separation increased from 20 in 1961 to 147 in 1963; on the other hand the number granted on the ground of adultery (and adultery with other grounds) decreased from 274 in 1960 to 169 in 1962, the lowest figure for 20 years. Although in 1963 the number of dissolutions on the grounds of desertion decreased and on the grounds of adultery increased, the figures for desertion are still much higher than those for adultery.

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TABLE 1 - PETITIONS FILED AND ORDERS GRANTED, SOUTH AUSTRALIA, 1956 TO 1963

Particulars	Years							
	1956	1957	1958	1959	1960	1961	1962	1963
PETITIONS								
Dissolution	754	767	791	789	781	865	910	1,005
Nullity of marriage	15	11	5	6	8	9	4	5
Dissolution or Nullity of marriage	-	-	-	-	-	-	1	1
Judicial separation	1	-	-	1	-	3	1	3
Total	770	778	796	796	789	877	916	1,014
ORDERS								
Dissolution - Nisi	613	482	537	470	698	586	781	748
Absolute	567	529	483	503	610	679	660	698
Nullity of marriage - Nisi	14	5	10	5	11	8	7	5
Absolute	5	8	9	7	9	6	6	5
Judicial separation	2	1	5	-	-	-	-	1

It should be noted that fluctuations from year to year in the number of orders made may be independent of fluctuations from year to year in the number of petitions filed, because there is a considerable variation in the number of actions awaiting hearing at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1961 TO 1963

Grounds	1961			1962			1963		
	Petitioner								
	Husband	Wife	Total	Husband	Wife	Total	Husband	Wife	Total
DISSOLUTION OF MARRIAGE									
Single grounds -									
Adultery	110	78	188	139	88	227	132	112	244
Cruelty	4	94	98	2	115	117	3	121	124
Desertion	170	161	331	114	156	270	145	167	312
Drunkenness	1	3	4	1	7	8	1	10	11
Insanity	2	-	2	2	3	5	1	1	2
Separation	91	67	158	75	110	185	67	127	194
Other single grounds	1	3	4	1	6	7	2	3	5
Dual grounds -									
Adultery and Desertion	11	3	14	7	4	11	12	4	16
Adultery and Cruelty	-	2	2	-	4	4	-	13	13
Cruelty and Drunkenness	-	7	7	-	10	10	-	13	13
Desertion and Cruelty	2	17	19	-	9	9	-	5	5
Desertion and Separation	12	18	30	21	17	38	22	27	49
Other dual grounds	1	4	5	4	4	8	-	8	8
Multiple grounds	1	2	3	2	9	11	1	8	9
Total	406	459	865	368	542	910	386	619	1,005
NULLITY OF MARRIAGE									
Bigamy	1	4	5	1	-	1	-	1	1
Incapacity to consummate	-	3	3	-	2	2	2	2	4
Invalid marriage	-	1	1	-	1	1	-	-	-
Total	1	8	9	1	3	4	2	3	5
DISSOLUTION OR NULLITY OF MARRIAGE									
Multiple grounds	-	-	-	1	-	1	1	-	1
JUDICIAL SEPARATION									
Adultery	-	1	1	-	-	-	1	1	2
Cruelty	-	2	2	-	1	1	-	1	1
Total	-	3	3	-	1	1	1	2	3

STATE OF NEW YORK

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TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS,
SOUTH AUSTRALIA, 1956 TO 1963

Grounds	Year							
	1956	1957	1958	1959	1960	1961	1962	1963
Dissolution								
Adultery)						(221	166	189
Adultery and Desertion)	208	190	203	175	274	(8	-	5
Adultery and Separation)						(2	-	-
Adultery and Cruelty)						(-	3	2
Cruelty)						(133	58	74
Cruelty and Drunkenness)	103	111	82	90	103	(1	1	4
Cruelty and Separation)						(-	-	1
Desertion)						(275	295	240
Desertion and Cruelty)						(1	4	3
Desertion and Separation)	227	206	184	218	215	(1	1	15
Desertion and Drunkenness)						(-	-	1
Desertion and Refusal to consummate)						(-	-	1
Drunkenness)	11	9	4	4	9	(6	3	6
Drunkenness and Separation)						(-	-	1
Failure to pay maintenance	3	2	1	3	4	3	1	2
Insanity	-	3	1	5	3	3	4	2
Separation (a)	12	3	6	6	2	20	122	147
Other single grounds	3	5	2	2	-	2	2	3
Multiple grounds	-	-	-	-	-	3	-	2
Total	567	529	483	503	610	679	660	698
Nullity								
Bigamy	2	2	2	-	1	2	3	2
Incapacity to consummate(b)	1	5	6	7	4	2	2	3
Invalid marriage	2	1	1	-	4	2	1	-
Total	5	8	9	7	9	6	6	5

NOTE: Prior to 1961 if more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Figures prior to 1961 combine "impotence" and "non-consummation" and the latter term covered "refusal to consummate", which under Commonwealth legislation is now a ground for dissolution of marriage.

In the immediate post-war period adultery was the main ground for dissolution of marriage; of the 1,953 orders absolute for dissolution granted in the three years 1945 to 1947 there were 1,197 for adultery compared with only 585 for desertion and 101 for habitual cruelty. Subsequently dissolutions on the ground of adultery have become much less frequent and since 1949 have exceeded those for desertion in only 1958 and 1960.

TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,
SOUTH AUSTRALIA, 1956 TO 1963

Grounds	Year							
	1956	1957	1958	1959	1960	1961	1962	1963
ON PETITION OF HUSBAND								
Adultery)						(114	(b) 103	115
Adultery and Desertion)	140	121	126	108	172	(5	-	3
Adultery and Cruelty)						(-	1	-
Cruelty)						(4	1	2
Cruelty and Drunkenness)	5	6	5	-	4	(-	-	-
Desertion)						(149	138	119
Desertion and Cruelty)	115	101	87	106	107	(-	-	1
Desertion and Separation)						(-	-	13
Drunkenness	1	-	-	1	-	1	-	1
Insanity	-	2	-	3	1	2	3	1
Separation (a)	2	2	1	2	-	13	55	52
Other single grounds	1	1	1	-	-	-	-	-
Multiple grounds	-	-	-	-	-	(b) -	-	1
Total	264	233	220	220	284	(b) 288	(b) 301	308
ON PETITION OF WIFE								
Adultery)						(107	(b) 62	74
Adultery and Desertion)	68	69	77	67	102	(3	-	2
Adultery and Separation)						(2	-	-
Adultery and Cruelty)						(-	2	2
Cruelty)						(129	57	72
Cruelty and Drunkenness)	98	105	77	90	99	(1	1	4
Cruelty and Separation)						(-	-	1
Desertion)						(126	157	121
Desertion and Cruelty)						(1	4	2
Desertion and Separation)	112	105	97	112	108	(1	1	2
Desertion and Drunkenness)						(-	-	1
Desertion and Refusal to consummate)						(-	-	1
Drunkenness)	10	9	4	3	9	(5	3	5
Drunkenness and Separation)						(-	-	1
Failure to pay maintenance	3	2	1	3	4	3	1	2
Insanity	-	1	1	2	2	1	1	1
Separation (a)	10	1	5	4	2	7	67	95
Other single grounds	2	4	1	2	-	2	2	3
Multiple grounds	-	-	-	-	-	(b) 2	-	1
Total	303	296	263	283	326	(b) 390	(b) 358	390

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Excludes a dissolution granted to both husband and wife.

In all but a few years (27 in the last 31) more orders absolute for dissolution have been granted on the petitions of wives than on the petitions of husbands.

In 1963, 98.1 per cent of orders absolute for dissolution on petitions of husbands, but only 75.4 per cent on petitions of wives, were granted on three grounds (adultery, desertion, separation), or combinations of these three grounds. Cruelty (18.5 per cent) accounted for most of the other orders absolute for dissolution granted to wives.

TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,
SOUTH AUSTRALIA, 1961 TO 1963

Age of Husband	1963									1962 Total	1961 Total
	Age of Wife										
	Under 20	20-24	25-29	30-34	35-39	40-44	45 & Over	Not Stated	Total		
Under 20	26	6	-	-	-	-	-	-	32	38	47
20-24	135	160	26	4	1	-	1	-	327	270	306
25-29	31	89	29	12	2	1	1	-	165	190	188
30-34	7	26	31	9	7	1	1	-	82	68	59
35-39	1	9	10	6	6	6	3	-	41	44	33
40-44	-	1	2	7	6	2	-	-	18	21	18
45 and over	1	-	3	2	8	6	8	-	28	16	18
Not Stated	-	-	-	-	-	-	-	5	5	13	10
Total 1963	201	291	101	40	30	16	14	5	698		
1962	186	274	92	48	17	15	14	14		660	
1961	197	289	97	40	21	12	12	11			679

TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND
NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1960 TO 1963

Duration of Marriage	1963								1962 Total	1961 Total	1960 Total
	Number of Children (a)							Total			
	0	1	2	3	4	5	6 & Over				
0- 4	21	15	5	-	-	-	-	41	43	49	57
5- 9	65	61	33	20	6	1	-	186	162	206	180
10-14	46	38	38	19	11	2	1	155	170	156	174
15-19	36	32	41	28	13	1	3	154	123	111	86
20-24	13	16	22	16	12	1	1	81	74	84	64
25-29	24	9	10	6	4	-	-	53	46	24	32
30-34	5	4	2	-	-	-	-	11	21	28	10
35-39	8	-	-	-	-	-	-	8	7	16	4
40-44	6	2	-	-	-	-	-	8	4	3	2
45 and over	1	-	-	-	-	-	-	1	10	2	1
Total 1963	225	177	151	89	46	5	5	698	660	679	610
1962	231	186	131	59	39	10	4				
1961	275	158	134	61	31	13	7				
1960	232	152	131	60	18	11	6				

(a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As the numbers of orders absolute for dissolution in 1961 to 1963 combine those granted under both the old and the new legislation (see page 1 for proportions) the information on children for each of these years is not strictly comparable with that for each previous year.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent. Since then comparability has been affected by the inclusion of children aged 16 years and over.

The percentage of orders absolute for dissolution of marriages with a duration of 20 years or more increased progressively from 15.3 in 1958 to 24.5 in 1962, but fell to 23.2 in 1963.

TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,
SOUTH AUSTRALIA, 1960 TO 1963

Age of Husband	1963								1962 Total	1961 Total	1960 Total
	Age of Wife										
	Under 25	25-29	30-34	35-39	40-44	45 & Over	Not Stated	Total			
Under 25	8	2	-	-	-	-	-	10	8	15	12
25-29	29	40	5	1	-	-	-	75	70	68	82
30-34	5	53	46	6	4	2	-	116	98	147	108
35-39	1	16	49	47	13	10	-	136	140	122	125
40-44	-	2	13	44	53	13	-	125	100	110	92
45 and over	1	1	3	23	54	149	-	231	231	207	179
Not Stated	-	-	-	-	-	-	5	5	13	10	12
Total 1963	44	114	116	121	124	174	5	698	660	679	610
1962	47	95	123	121	85	175	14				
1961	56	108	143	117	86	158	11				
1960	58	98	129	119	78	116	12				

The proportion of those aged 45 or more at the time of dissolution of marriage increased between the years 1958 and 1962 - the proportion of husbands from 22.4 to 35.0 per cent and the proportion of wives from 15.1 to 26.5 per cent. This trend, as would be expected, runs parallel to the increase in dissolved marriages with a duration of 20 years or more shown in Table 6.

NOTE: When analysing the figures shown in the above tables it should be remembered that there are more existing marriages of short duration than long. Therefore the 8 divorces in Table 6 in the 35 to 39 years duration group in 1963 may be a greater proportion of existing marriages of that duration than the 11 in the 30 to 34 years duration group.

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